

The Florida Board of Optometry held a meeting on Friday, May 10, 2019, commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida at meet me number (888) 585-9008, participant code 136-103-141, to which all persons were invited to attend. Participants in this public meeting were made aware that these proceedings were being recorded and that an audio file of the meeting will be posted to the board's website.

## AGENDA

### **Section I began: 9:00 a.m.**

1 **I. CALL TO ORDER (Roll Call):**

2

3 Stuart Kaplan, O.D., Chair  
4 Christopher King, O.D., FAAO (Vice-Chair)  
5 Katie Spear, O.D.  
6 David Rouse, O.D.,  
7 Stephen Kepley, O.D.  
8 John Griffin, J.D.

9

10 **Board Staff Present:**

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12 Anthony Spivey, DBA, Executive Director  
13 Kelly Woodard, Regulatory Supervisor  
14 Keri Kilgore, Regulatory Specialist

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16 **Board Counsel:**

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18 Deborah Loucks, Assistant Attorney General

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20 **Prosecution Services**

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22 Rose Garrison, Assistant General Counsel

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24 **Court Reporter:**

25

26 For the Record  
27 407-896-1813

28

29 **Section I ended: 9:02 a.m.**

30 **Section II began: 9:02 a.m.**

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32 **II. APPROVAL OF MINUTES:**

33

34 **i. February 8, 2019**

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36 Dr. King requested correction to Line 81 (Motion failed, not carried); Dr. Rouse  
37 requested correction to Line 142 (Motion by King/Rouse); and Mr. Griffin  
38 requested correction to Line 175 (Identify topical agent being added).  
39

40 **Action:** Motion to approve the meeting minutes with edits made by Dr. Kepley.  
41 Second made by Dr. King.  
42

43 **Vote:** 6 yeas/0 opposed. Motion Carried.  
44

45 **Section II ended: 9:06 a.m.**

46 **Section III began: 9:06 a.m.**  
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48 **III. PROSECUTION REPORT:**

49  
50 Assistant General Counsel, Ms. Garrison presented the statistics regarding  
51 Prosecution cases currently open in the department.  
52

53 Cases older than 1 year continued for prosecution: 7  
54

55 **Action:** Motion to continue prosecution on cases older than one year made by Dr.  
56 Kepley. Second made by Dr. Spear.  
57

58 **Vote:** 6 yeas/0 opposed. Motion Carried.  
59

60 **Section III ended: 9:07 a.m.**

61 **Section IV began: 9:07 a.m.**  
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63 **IV. GUIDELINES FOR DIAGNOSIS AND MANAGEMENT OF PATIENTS**  
64 **WITH GLAUCOMA**

65  
66 Dr. Kepley advised that he reached out to some of the academic institutions in  
67 regard to what they felt is the appropriate treatment of glaucoma. Dr. Kepley  
68 presented the responses and discussed the intent to open rulemaking in July  
69 (2019). Dr. King asked if the board should have standards of care for separate  
70 disease entities.  
71

72 **Section IV ended: 9:12 a.m.**

73 **Section V began: 9:12 a.m.**  
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75 **V. RATIFICATION LIST:**

76  
77 **a. Licensure**

78  
79 **i. Optometrist**  
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81 **Action:** Motion to ratify the approval of licensees made by Dr. King. Second  
82 made by Mr. Griffin.

83 **Vote:** 6 yeas/0 opposed. Motion Carried.

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85 **b. Continuing Education**

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87 **i. Report of Continuing Education Providers & Courses approved by**  
88 **Board Staff**

89  
90 **Action:** Motion to ratify the approval of courses made by Dr. King. Second  
91 made by Dr. Rouse.

92  
93 **Vote:** 6 yeas/0 opposed. Motion Carried.

94  
95 **ii. Report of Continuing Education Providers & Courses approved by**  
96 **CE Committee Chair**

97  
98 **Action:** Motion to ratify the approval of courses made by Mr. Griffin. Second  
99 made by Dr. Kepley.

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101 **Vote:** 6 yeas/0 opposed. Motion Carried.

102  
103 Dr. King advised that he received many calls late in the biennium where staff  
104 expressed concerns of CE providers applying too late for the approval of a course.

105  
106 Dr. King asked if the board could institute a requirement setting a timeframe in  
107 which an applicant must submit courses. Dr. Kaplan asked board counsel if they  
108 had statutory authority to do so. Ms. Loucks advised she would confirm and bring  
109 the result to the next meeting.

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111 **Section V ended: 9:22 a.m.**

112 **Section VI began: 9:22 a.m.**

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114 **VI. SUSPENDED LICENSES/DEA RESPONSE**

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116 Dr. Kaplan presented statistics including what licenses (if any) have been  
117 suspended for nonpayment of student loans and how many licensees have or have  
118 not responded to having a DEA registration. Dr. Kaplan requested staff to draft an  
119 updated report for the next meeting.

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121 **Section VI ended: 9:25 a.m.**

122 **Section VII began: 9:25 a.m.**

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124 **VII. CHAIR/VICE CHAIR REPORT:**

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126 Nothing to report.

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128 **Section VII ended: 9:25 a.m.**

129 **Section VIII began: 9:25 a.m.**

130 **VIII. EXECUTIVE DIRECTOR’S REPORT:**

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132 **i. Annual Board Chair/Vice Chair**

133

134 Dr. Spivey advised that the Chair/Vice Chair meeting was being moved to the fall  
135 and that the department is seeking suggestions for different formats of the  
136 meetings.

137

138 **ii. Renewal Report – Optometrist**

139

140 Dr. Spivey presented current renewal statistics for the 2017-2019 biennium.

141

142 **Section VIII ended: 9:27 a.m.**

143 **Section IX began: 9:27 a.m.**

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145 **IX. BOARD COUNSEL REPORT:**

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147 **i. April Rules Report**

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149 Ms. Loucks presented the rules report and the requested revisions by JAPC  
150 (Joint Administrative Procedure Committee).

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152 **ii. 64B13-3.003**

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154 Ms. Loucks presented revised rule language regarding electronic signature.

155

156 **Action:** Motion to approve changes to rule 64B13-3.003 made by Dr. King.  
157 Second made by Dr. Kepley

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159 **Vote:** 6 yeas/0 opposed. Motion Carried.

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161 Ms. Loucks asked whether the proposed rules would have adverse impacts  
162 on small business and whether regulatory costs would exceed two hundred  
163 thousand dollars within one year of implementation. The board agreed  
164 there would be no adverse impact or increase of costs.

165

166 **Action:** Motion to approve the board’s response made by Mr. Griffin. Second  
167 made by Dr. King

168

169 **Vote:** 6 yeas/0 opposed. Motion Carried.

170

171 Ms. Loucks asked whether the proposed rules would be subject to a minor  
172 violation. Minor violation means that it will not directly affect the public health,  
173 safety, or welfare and is able to be resolved with citation or notice of non-  
174 compliance. The board agreed there would be no minor violation.

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176 **Action:** Motion to approve the board’s response made by Dr. Kepley. Second

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made by Dr. Spear.

**Vote:** 6 yeas/0 opposed. Motion Carried.

**iii. 64B13-11.001**

Ms. Loucks presented revised rule language in regard to deleting 3(d).

**Action:** Motion to approve changes to rule 64B13-11.001 made by Dr. Rouse.  
Second made by Dr. Kepley.

**Vote:** 6 yeas/0 opposed. Motion Carried.

Ms. Loucks asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. The board agreed there would be no adverse impact or increase of costs.

Ms. Loucks asked whether the proposed rules would be subject to a minor violation. Minor violation means that it will not directly affect the public health, safety, or welfare and is able to be resolved with citation or notice of non-compliance. The board agreed there would be no minor violation.

**Action:** Motion to approve the board’s response made by Dr. King. Second made by Dr. Spear.

**Vote:** 6 yeas/0 opposed. Motion Carried.

**iv. 64B13-11.004**

Ms. Loucks presented revised rule language.

**Action:** Motion to approve changes to rule 64B13-11.004 made by Dr. King.  
Second made by Dr. Kepley.

**Vote:** 6 yeas/0 opposed. Motion Carried.

Ms. Loucks asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. The board agreed there would be no adverse impact or increase of costs.

Ms. Loucks asked whether the proposed rules would be subject to a minor violation. Minor violation means that it will not directly affect the public health, safety, or welfare and is able to be resolved with citation or notice of non-compliance. The board agreed there would be no minor violation.

**Action:** Motion to approve the board’s response made by Dr. King. Second made

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by Dr. Kepley.

**Vote:** 6 yeas/0 opposed. Motion Carried.

v. **64B13-18.003**

Ms. Loucks presented revised rule language.

**Action:** Motion to approve changes to rule 64B13-18.003 made by Dr. King. Second made by Dr. Kepley.

**Vote:** 6 yeas/0 opposed. Motion Carried.

Ms. Loucks asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. The board agreed there would be no adverse impact or increase of costs.

Ms. Loucks asked whether the proposed rules would be subject to a minor violation. Minor violation means that it will not directly affect the public health, safety, or welfare and is able to be resolved with citation or notice of non-compliance. The board agreed there would be no minor violation.

**Action:** Motion to approve the board’s response made by Dr. King. Second made by Mr. Griffin.

**Vote:** 6 yeas/0 opposed. Motion Carried.

vi. **64B13-3.010**

Dr. Kaplan addressed concerns with the rule language and asked the board to review. Dr. Kaplan proposed new rule language.

**Action:** Motion to open 64B13-3.010 for rulemaking made by Dr. Kepley. Second made by Dr. Rouse.

**Vote:** 6 yeas/0 opposed. Motion Carried.

vii. **64B13-18.002(5)(i)**

Dr. Kaplan advised that the topical ocular pharmaceutical agent, Inveltys (Loteprednol etabonate) was already in the rule, but that the board just needed to add a higher percentage of 1.0%

Ms. Loucks presented letters by JAPC (Joint Administrative Procedure)

viii. **JAPC letter dated March 29, 2019 (64B13-15.002/64B13-15.007)**

- 271 ix. JAPC letter dated March 28, 2019 (64B13-11.001/64B13-11.004)
- 272 x. JAPC letter dated March 21, 2019 (64B13-18.003)
- 273 xi. JAPC letter dated March 20, 2019 (64B13-15.002/64B13-11.007)
- 274 xii. JAPC letter dated March 15, 2019 (64B13-11.001/64B13-11.004)
- 275 xiii. JAPC letter dated March 13, 2019 (64B13-3.003)

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277 **Section IX ended: 9:53 a.m.**

278 **Section X began: 9:53 a.m.**

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280 **X. COMMITTEE REPORTS:**

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282 **a. Budget – Dr. Kepley**

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284 Dr. Kepley asked if all renewal fees were the same amount.

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286 **b. Continuing Education – Dr. Rouse**

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288 Nothing to report

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290 **c. Complaints, Investigation, and Enforcement Liaison – Dr. Kaplan**

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292 Nothing to report

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294 **d. Disciplinary Compliance – Dr. Kaplan**

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296 Nothing to report

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298 **e. Examination – Dr. King**

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300 Nothing to report

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302 **f. FOA – Dr. Kaplan**

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304 Nothing to report

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306 **g. Healthiest Weight – Dr. King**

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308 Nothing to report

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310 **h. Legislative – Dr. Kaplan**

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312 Dr. Kaplan advised that the board may need to incorporate rules related  
313 to telemedicine.

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315 **i. Probable Cause - Dr. Spear**

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Nothing to report

**j. Probationary – Dr. Kaplan**

Nothing to report

**k. Rules – Dr. Kaplan**

Nothing to report

**l. Unlicensed Activity – Dr. Rouse**

Nothing to report

**Section X ended: 9:56 a.m.**

**Section XI began: 9:56 a.m.**

**XI. OLD BUSINESS:**

Nothing to report.

**Section XI ended: 9:56 a.m.**

**Section XII began: 9:56 a.m.**

**XII. NEW BUSINESS:**

Dr. Kaplan discussed the medication called Dextenza which may be used to treat pain after surgery of the eye. Dr. Kaplan advised that FDA approval is being sought for dry eye treatment (0.4mg) and that he will bring language to the next meeting for consideration.

**Section XII ended: 9:58 a.m.**

**Section XIII began: 9:58 a.m.**

**XIII. NEXT MEETING DATE:**

**i. July 17, 2019**

**Section XIII ended: 9:58 a.m.**

**Section XIV began: 9:58 a.m.**

**XIV. PUBLIC COMMENTS**

None

**Section XIV ended: 9:58 a.m.**



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**Section XV began: 9:58 a.m.**

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364 **XV.**

**ADJOURNMENT**

365

366

**Action:** Motion to adjourn at 9:58 a.m. made by Dr. King. Second made by Dr.

367

Kepley.